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RELIGIOUS MODERATION AND THE CONSTRUCTION OF A CIVIL SOCIETY: AN ISLAMIC LEGAL AND HUMAN RIGHTS PERSPECTIVE

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Abstract

Religious diversity is an inherent characteristic of contemporary societies and constitutes both a social resource and a potential source of conflict. In pluralistic societies, religious differences may generate constructive social interaction when accompanied by tolerance, justice, mutual respect, and recognition of human dignity. Conversely, exclusivist attitudes, discrimination, intolerance, and religiously motivated violence may weaken social cohesion and undermine the development of a democratic civil society. This study aims to examine the relationship between religious moderation and the construction of civil society from Islamic legal and human rights perspectives through a qualitative library research approach. The study critically analyzes scholarly literature, Islamic legal sources, Qur'anic principles, maqāṣid al-sharīʿah, and human rights frameworks related to religious freedom, tolerance, equality, justice, and social coexistence. The findings indicate that religious moderation in Islam is grounded in principles of wasatiyyah, justice, balance, tolerance, mutual recognition, public benefit, and prevention of harm. These principles provide a normative foundation for constructing a civil society characterized by peaceful coexistence, social participation, equality, and respect for human dignity. From an Islamic legal perspective, religious moderation does not require abandoning religious identity but encourages the responsible expression of religious convictions within a pluralistic social order. The analysis also demonstrates significant convergence between Islamic legal principles and human rights values, particularly regarding human dignity, freedom of religion, equality, non-discrimination, and peaceful social participation. The study proposes an integrated framework in which religious moderation functions as a normative bridge between Islamic values and human rights in constructing a resilient and inclusive civil society. The study contributes conceptually by positioning religious moderation not merely as a strategy for preventing religious extremism but as an ethical and legal foundation for strengthening democratic citizenship and social cohesion.

Keywords: *Religious Moderation; Civil Society; Islamic Law; Human Rights*

INTRODUCTION

Religious diversity is one of the defining characteristics of contemporary societies. Different religious beliefs, traditions, interpretations, and identities coexist within increasingly interconnected social environments. Globalization, migration, digital communication, and political transformation have intensified interactions among individuals and communities with diverse religious backgrounds. This diversity can provide significant opportunities for social cooperation, cultural enrichment, and democratic participation. However, religious diversity may also generate social tensions when differences are accompanied by intolerance, discrimination, exclusivism, stereotyping, or religiously motivated violence. The challenge for contemporary societies is therefore not simply how to manage religious diversity but how to transform diversity into a foundation for peaceful and

constructive citizenship (Bahri et al., 2025).

In this context, religious moderation has emerged as an important concept in discussions concerning religious coexistence. Religious moderation generally emphasizes balanced religious attitudes, avoidance of extremism, respect for differences, justice, tolerance, and responsible participation in society. Within Islamic thought, the concept is closely associated with *wasatiyyah*, which conveys ideas of moderation, balance, and the avoidance of excessive positions. Qur'an 2:143 describes the Muslim community as *ummatan wasatan*, commonly understood as a middle or balanced community. The concept provides an important theological basis for understanding religious commitment as compatible with justice, social responsibility, and peaceful coexistence (Huda, 2024b).

Nevertheless, religious moderation should not be reduced to a political slogan or a strategy for suppressing religious expression. A meaningful concept of moderation must preserve the integrity of religious belief while encouraging responsible interaction with people who hold different beliefs. Moderation therefore requires a distinction between theological conviction and social relations. Individuals may maintain strong religious commitments while simultaneously recognizing the dignity, rights, and legitimate social existence of people from different religious communities. This distinction is essential for constructing a civil society in which religious identity and democratic citizenship can coexist (Huda, 2024a).

The concept of civil society is equally important in this discussion. Civil society refers broadly to the sphere of voluntary association and social participation that exists between individuals, families, communities, and the state. A strong civil society is characterized by active citizenship, social trust, participation, freedom of association, public deliberation, mutual responsibility, and respect for rights. In religiously diverse societies, religious organizations and communities can play an important role in strengthening civil society by providing social services, education, humanitarian assistance, community networks, and spaces for dialogue. However, religious organizations can also contribute to polarization when they promote exclusionary attitudes or hostility toward other groups (Al Ayyubi et al., 2024).

The relationship between religious moderation and civil society therefore deserves deeper examination. If religious moderation encourages justice, tolerance, peaceful coexistence, and respect for human dignity, it may provide an important ethical foundation for civil society. Conversely, if religious discourse is dominated by exclusivism, intolerance, and claims of superiority that deny the social rights of others, religious identity may become a source of social fragmentation. The central issue is consequently how Islamic legal and ethical principles can guide religious communities toward constructive participation in a pluralistic civil society (Purwowidodo & Zaini, 2024).

Islamic law provides several principles relevant to this question. Justice (*ʿadl*), human dignity (*karāmah*), public benefit (*maslahah*), prevention of harm (*dafʿ al-ḍarar*), consultation (*shūrā*), fulfillment of agreements (*wafāʾ*

bi al-ʿahd), and recognition of human diversity provide normative foundations for social relations. Qur'an 49:13 emphasizes human diversity and mutual recognition, while Qur'an 60:8 establishes the permissibility and ethical legitimacy of acting justly and kindly toward those who do not fight Muslims because of their religion. These principles demonstrate that Islamic social ethics cannot be reduced to relations among Muslims alone but also encompasses broader questions of justice and peaceful coexistence (Yasin et al., 2023).

The principle of *maqāṣid al-sharīʿah* provides a broader framework for understanding these values. The preservation of religion, life, intellect, lineage, and property can be connected with the requirements of a stable civil society. Religious freedom and responsible religious expression are relevant to the protection of religion, while peaceful coexistence and protection from religious violence are closely connected with the protection of life. Education, dialogue, and freedom of intellectual inquiry relate to the protection of intellect. The protection of family and social relationships relates to the preservation of lineage, while economic justice and social participation are connected to the protection of property. Thus, maqāṣid provides a framework for evaluating whether religious practices and social institutions contribute to or undermine collective welfare (Islamy, 2021).

Human rights discourse provides another important perspective. Freedom of religion or belief, equality before the law, freedom of expression, freedom of association, non-discrimination, and human dignity are central to contemporary conceptions of civil society. These principles create an important normative framework for protecting individuals and religious communities from discrimination and coercion. However, debates sometimes arise concerning the relationship between Islamic law and human rights, particularly regarding religious freedom, conversion, freedom of expression, and the limits of religiously motivated public action. These debates demonstrate the importance of engaging with both Islamic legal traditions and contemporary human rights principles through careful and contextual analysis rather than assuming either complete identity or absolute incompatibility.

Existing scholarship has contributed significantly to discussions of religious moderation, Islamic law, human rights, and civil society. However, these themes are frequently studied independently. Research on religious moderation often concentrates on countering extremism and strengthening tolerance, while civil society scholarship focuses on democratic participation and social institutions. Islamic legal studies frequently examine classical principles of interreligious relations, whereas human rights scholarship emphasizes universal rights and legal equality. A research gap therefore remains in developing an integrated framework that explains how Islamic religious moderation can function as a normative foundation for constructing civil society while remaining connected to human rights principles (Halimah, 2023).

This study addresses this gap by examining religious moderation as a bridge between Islamic legal principles and the normative requirements of civil society. The study does not conceptualize moderation merely as the

avoidance of extremism but as a positive framework for justice, peaceful coexistence, social participation, recognition of diversity, and protection of human dignity. Accordingly, this research aims to analyze the Islamic legal foundations of religious moderation, examine its relationship with human rights and civil society, and formulate an integrated conceptual framework for constructing an inclusive and resilient civil society. The central argument is that religious moderation can contribute to civil society when religious commitment is combined with justice, tolerance, respect for human dignity, responsible citizenship, and recognition of the rights of others.

METHOD

This study employed a qualitative library research approach (Creswell & Creswell, 2017), to examine the relationship between religious moderation, Islamic law, human rights, and civil society. Library research was selected because the study focuses on conceptual and normative analysis rather than empirical measurement. The research seeks to identify, interpret, compare, and synthesize existing scholarly arguments and normative sources concerning *wasatiyyah*, religious tolerance, interreligious relations, civil society, human rights, and Islamic legal principles.

The sources analyzed consisted of peer-reviewed national and international journal articles, academic books, book chapters, Islamic legal literature, Qur'anic interpretations, Hadith-related scholarship, international human rights instruments, and relevant policy and institutional documents. The literature selection prioritized sources addressing religious moderation, Islamic ethics, maqāṣid al-sharīʿah, freedom of religion or belief, religious tolerance, citizenship, civil society, social cohesion, and interreligious relations. Classical Islamic sources were incorporated to establish the normative foundations of moderation and social relations, while contemporary scholarship was used to contextualize these principles within modern pluralistic societies.

The literature was analyzed thematically. The first theme concerned the conceptual foundations of religious moderation, particularly *wasatiyyah*, justice, balance, tolerance, and avoidance of religious extremism. The second theme examined Islamic legal principles governing relations between religious communities. The third theme focused on civil society, including participation, association, social trust, equality, and peaceful coexistence. The fourth theme examined human rights principles related to religious freedom, dignity, equality, non-discrimination, and freedom of association.

A comparative analysis was then conducted to identify areas of convergence and potential tension between Islamic legal principles and contemporary human rights standards. Particular attention was given to the question of how religious identity can be maintained while individuals and communities participate equally within a pluralistic society. Finally, the findings were synthesized into an integrated conceptual framework linking religious moderation, Islamic law, maqāṣid al-sharīʿah, human rights, and civil society. The framework was designed to explain how religious moderation can function as an ethical and legal foundation for strengthening social cohesion and responsible citizenship.

RESULTS AND DISCUSSION

RESULT

Religious Moderation as Wasatiyyah and Balanced Religious Conduct

The literature indicates that religious moderation in the Islamic context is fundamentally associated with the concept of wasatiyyah. Rather than representing a weak or diluted form of religious commitment, wasatiyyah reflects a balanced approach that avoids excessive and deficient positions. It combines religious conviction with justice, wisdom, proportionality, and social responsibility.

The concept of moderation therefore contains both theological and social dimensions. Theologically, Muslims are encouraged to maintain commitment to their religious principles. Socially, such commitment must be expressed through justice, peaceful interaction, respect for others, and avoidance of unnecessary conflict. Religious moderation consequently represents a way of translating religious values into responsible social behavior.

Islamic Legal Foundations of Interreligious Relations

The analysis identifies several Islamic legal principles that support constructive relations between religious communities. Justice constitutes one of the most fundamental principles. Islamic law requires justice even when individuals interact with people or groups with whom they disagree. This principle prevents religious difference from becoming a justification for discrimination or arbitrary treatment.

Human dignity is another important foundation. The Qur'anic recognition of human diversity establishes that differences in ethnicity, community, and religious identity exist within the broader human condition. The principle of taʿāruf, or mutual recognition, provides an ethical basis for social interaction across differences.

The principle of maslahah further indicates that social policies and community practices should contribute to public welfare. Religious actions that generate unnecessary conflict, violence, discrimination, or social fragmentation should therefore be critically evaluated according to their consequences for society.

Religious Moderation and Human Rights

The literature reveals significant areas of convergence between religious moderation and human rights. Both frameworks emphasize human dignity, justice, non-discrimination, peaceful coexistence, and protection from arbitrary harm. Religious moderation supports an environment in which individuals can express religious identities while participating responsibly in a pluralistic society.

Freedom of religion or belief is particularly important. A moderate religious framework should distinguish between maintaining one's theological convictions and imposing those convictions coercively upon others. The protection of religious identity must therefore be accompanied by recognition of the social rights and dignity of people with different beliefs.

At the same time, freedom cannot be interpreted as an unlimited license to cause violence or intentionally harm others. Both Islamic legal principles and human rights frameworks recognize the importance of balancing individual freedom with the rights and security of other members of society.

Religious Moderation as a Foundation of Civil Society

The synthesis demonstrates that religious moderation can strengthen civil society through at least four mechanisms: social trust, participation, peaceful conflict management, and recognition of diversity.

First, moderation encourages social trust by reducing perceptions of religious threat. Second, it facilitates participation by allowing religious communities to contribute to public life without demanding social uniformity. Third, moderation supports peaceful conflict management by encouraging dialogue and proportional responses to disagreement. Fourth, it transforms religious diversity from a source of division into a resource for cooperation.

Religious organizations can consequently function as important civil society institutions when they promote education, social welfare, humanitarian activities, dialogue, and community empowerment. Their contribution becomes particularly significant when religious identity is combined with inclusive citizenship.

DISCUSSION

From Religious Moderation to Inclusive Citizenship

The findings suggest that religious moderation should be conceptualized as more than a strategy for preventing extremism. Its broader function is to develop forms of religious citizenship compatible with pluralistic society.

Inclusive citizenship does not require individuals to abandon religious identities. Instead, it requires individuals to distinguish between religious conviction and coercive social behavior. A Muslim can remain firmly committed to Islamic beliefs while recognizing that fellow citizens possess equal human dignity and legitimate rights.

This distinction is essential because civil society requires the coexistence of diverse identities. If religious commitment is interpreted as requiring social uniformity, religious diversity may become a source of conflict. If religious commitment is accompanied by justice, compassion, and respect for others, religious communities can become important contributors to social cohesion.

Wasatiyyah, Justice, and Social Equality

Justice represents the most important connection between wasatiyyah and civil society. Moderation without justice may become merely a rhetorical position. A society cannot be considered genuinely moderate if particular religious groups experience systematic discrimination, exclusion, or unequal treatment.

Islamic legal thought provides a strong basis for connecting moderation with justice. Justice requires individuals and institutions to act fairly even when dealing with disagreement. This principle is particularly relevant to public institutions, religious organizations, educational institutions, and community leaders (Daud, 2023).

A civil society based on religious moderation should therefore not only encourage tolerance at the interpersonal level but also promote institutional fairness. Religious moderation must be translated into policies and practices that prevent discrimination and protect the rights of minority communities.

Maqāṣid al-Sharīʿah and the Construction of Civil Society

Maqāṣid al-sharīʿah provides a useful framework for connecting religious moderation with broader social

welfare. The preservation of life requires protection from religiously motivated violence. The preservation of intellect supports education, dialogue, and critical thinking. The preservation of religion requires a social environment in which religious practice can occur responsibly. The preservation of family supports social stability, while the preservation of property supports economic participation and social welfare (Ilhamsyah & Ramli, 2024).

These objectives demonstrate that Islamic law is concerned not only with individual religious obligations but also with the conditions necessary for a stable and just society. Religious moderation can therefore be understood as one mechanism for realizing maqāṣid in pluralistic environments.

From this perspective, moderation is not simply about being "in the middle" between two extremes. It is an active commitment to producing maslahah and preventing mafsadah. A religious attitude that formally claims moderation but produces discrimination, hatred, or social harm would require critical evaluation from a maqāṣid perspective.

Religious Freedom and the Islamic Legal Tradition

One of the most important issues in the relationship between Islamic law and human rights concerns religious freedom. A simplistic analysis may portray Islamic law and human rights as inherently contradictory. However, the literature demonstrates that the relationship is more complex.

Islamic sources contain principles concerning freedom of religious belief, prohibition of coercion in matters of religion, protection of religious communities, and ethical relations with people of different faiths. At the same time, classical Islamic jurisprudence developed within historical political and legal contexts that differ substantially from the modern nation-state and contemporary human rights system (Najmi et al., 2026).

Therefore, contemporary analysis requires contextual interpretation rather than direct transplantation of historical legal categories into modern circumstances. Maqāṣid-oriented reasoning can provide a mechanism for engaging with these differences while preserving the normative foundations of Islamic law.

Civil Society as a Space for Religious Cooperation

Religious communities can make significant contributions to civil society when their institutions become spaces for cooperation rather than exclusion. Mosques, churches, temples, religious schools, universities, charitable organizations, and community associations can facilitate humanitarian cooperation, education, social welfare, and interfaith dialogue.

This approach changes the understanding of religious moderation from an individual attitude into an institutional practice. Moderation becomes visible when religious organizations cooperate during disasters, provide assistance to vulnerable populations, participate in environmental initiatives, and engage in peaceful public deliberation (Mumin et al., 2025).

The development of civil society therefore requires religious communities to move beyond passive tolerance toward active cooperation. Tolerance means accepting difference, while civil society requires the additional capacity to work together despite difference.

Human Rights as a Complementary Framework

Human rights provide an important complementary framework for operationalizing religious moderation. Principles concerning dignity, equality, freedom of religion, freedom of association, and non-discrimination provide legal and institutional mechanisms through which moderate religious values can be protected.

At the same time, Islamic ethics can contribute a moral dimension to human rights discourse. Rights are accompanied by responsibilities toward God, society, and other human beings. Consequently, an Islamic approach to civil society should not focus exclusively on individual claims but also emphasize social responsibility, solidarity, and prevention of harm. The integration of these perspectives can produce a more comprehensive model of citizenship in which rights and responsibilities are mutually reinforcing.

CONCLUSION

This study concludes that religious moderation has a broader significance than merely preventing religious extremism. From an Islamic legal perspective, *wasatiyyah* represents a normative orientation toward balance, justice, dignity, public benefit, and prevention of harm. These principles provide a strong foundation for constructing civil society because they encourage individuals and religious communities to maintain their religious identities while respecting the dignity, rights, and legitimate existence of others. The analysis further demonstrates that Islamic legal principles have substantial areas of convergence with human rights values, particularly in relation to dignity, equality, religious freedom, non-discrimination, peaceful coexistence, and social participation.

The study proposes an integrated framework in which religious moderation connects Islamic legal-ethical values with human rights and civic participation. Within this framework, religious moderation becomes a foundation for developing inclusive citizenship, strengthening social trust, facilitating interreligious cooperation, and preventing social fragmentation. The contribution of this study lies in repositioning religious moderation as a constructive foundation for civil society rather than merely as a response to extremism. Nevertheless, because the research employs library research, the proposed framework has not been empirically tested in specific communities or institutions. Future studies should therefore examine its implementation through comparative case studies, surveys, interviews, and empirical research involving religious organizations, educational institutions, policymakers, and diverse religious communities.

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